

double rural aid appropriations heretofore made for each biennium, and guarantee at least a seven months school to each rural community; will probably finance all educational institutions of the State and insure an opportunity for the boy and girl of average means to obtain an education in some university or college in Texas.

If the House of Representatives will furnish sufficient revenue-producing measures in addition to the Fifty-Four Million Dollars (\$54,000,000.00) which can be appropriated out of funds, as heretofore stated, the entire amount of the appropriation bills as recommended by the Senate can be enacted into law, thus insuring an era of development and prosperity, enlightenment and happiness, never before known in the history of Texas.

#### TENTH DAY.

Senate Chamber,  
Austin, Texas,  
Friday, June 14, 1929.

The Senate met at 10 o'clock A. M. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Patton.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Absent.

Greer.

Absent—Excused.

Martin.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix).

#### Committee Reports.

(See Appendix).

#### Bills and Resolutions.

By Senator Miller:

S. B. No. 142, A bill to be entitled "An Act authorizing the Commissioners' Court of Wise county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 143, A bill to be entitled "An Act fixing the salary of the Court Reporter in each Judicial District in this State containing five counties having a combined population according to the latest United States census of not less than 68,690 and not more than 69,590; and prescribing the manner of the payment of same and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 144, A bill to be entitled "An Act regulating fishing and the taking of fish and shrimp in certain coastal waters; enacting prohibitions and penalties in connection therewith; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 145, A bill to be entitled "An Act amending Article 879g of the Penal Code of 1925 relating to open season for hunting, taking and killing wild bear and wild buck deer; fixing the open season for wild buck deer in certain counties and limiting the number and kind of buck deer that may be taken or killed in said counties; enacting provisions in reference to penalties for violating said Article 879g or the provisions of this Act; and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 146, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest U. S. Census of not less than 96,800 and not more than 97,200; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Moore:

S. B. No. 147, A bill to be entitled "An Act conferring upon the Railroad Commission of Texas the power to regulate the manufacture, sale, delivery, and distribution of ice; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 148, A bill to be entitled "An Act extending outstanding State oil and gas permits and leases; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Small:

S. B. No. 149, A bill to be entitled "An Act providing for the payment of expenses of trial by jury in Civil cases by the counties in which said cases are filed, except when such cases are transferred upon pleas of privilege, and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

#### Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,  
Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolutions:

H. B. No. 81, A bill to be entitled "An Act to fix the compensation of county commissioners in every coun-

ty having a population of more than 12,250 and less than 12,350, according to the latest United States census; regulating the payment of same, and declaring an emergency."

H. B. No. 89, A bill to be entitled "An Act to amend Chapter 105, of the Local and Special Laws passed in the Regular Session of the Thirty-ninth Legislature, which act amended the then existing special road law of San Jacinto County, Texas, making provision for the refunding of indebtedness incurred by said bill for road and bridge purposes; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 112, A bill to be entitled "An Act making an appropriation for the benefit of Slocum Consolidated School District No. 5, of Anderson County on account of the recent destruction of the school buildings and property in the territory now composing said district; directing the expenditure of said money, and declaring an emergency."

H. B. No. 138, A bill to be entitled "An Act fixing the fees and salary of the official shorthand reporters of the county courts-at-law in any county having a population of not less than 202,000 and not more than 203,000, according to the latest Federal census, and providing the manner of its payment, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 75, A bill to be entitled "An Act relating to the registration of motor vehicles, trailers, semi-trailers, or other device drawn, transported, or used on public highways; prescribing the license fees required for their registration; providing for the distribution and apportionment of license fees collected pursuant hereto; prescribing the compensation and duties of the county tax collectors in connection with the administration of this Act; making other provisions incidental to the purposes and for the administration of this Act; providing for the en-

forcement of the provisions of this Act; fixing the date this Act shall take effect; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 102, A bill to be entitled "An Act amending Article 7047, of the Revised Civil Statutes of Texas, 1925, by adding a new section thereto, to be known as Section 40, so as to provide an occupation tax upon emigrant agents, defining 'emigrant agents'; providing manner of payment of tax; repealing H. B. No. 207, passed by the First Called Session of the Forty-first Legislature of Texas and approved by the Governor of Texas, May 17, 1929, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,

Chief Clerk, House of Representatives.

#### Motion to Print.

Senator Parrish moved to print S. B. No. 67 on minority report.

Senator Small moved the previous question on the motion. The previous question was ordered.

The motion to print prevailed by the following vote:

#### Yeas—19.

Berkeley.	McFarlane.
Cousins.	Miller.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Woodward.
Love.	

#### Nays—8.

Hyer.	Stevenson.
Moore.	Williamson.
Parr.	Wirtz.
Russek.	Woodul.

#### Absent.

Beck.

Absent—Excused.

Martin.

#### (Pair Recorded.)

Senator Witt (present), who would vote nay with Senator Patton (absent), who would vote yea.

#### House Bills Referred.

H. B. No. 81 referred to Committee on State Affairs.

H. B. No. 89 referred to Committee on State Highways and Motor Traffic.

H. B. No. 112 referred to Committee on Finance.

H. B. No. 138 referred to Committee on State Affairs.

H. B. No. 75 referred to Committee on State Affairs.

#### Consent to Print.

Senator Holbrook received unanimous consent to have printed in the Journal the following article:

**Mrs. Hoover Has Negro Solon's Wife To Tea.**

Washington, June 13. The wife of Oscar De Priest, negro representative from Illinois, was entertained at tea at the White House by Mrs. Hoover.

Others at the tea included Mrs. James Good, wife of the secretary of war; Mrs. William D. Mitchell, wife of the attorney general; Mrs. Arthur M. Free, wife of the California congressman; Mrs. Clyde Kelly, wife of the Pennsylvania congressman, and Miss Grace Burton, niece of the Ohio senator.

#### Gavels Presented.

Senator Williamson presented to the Lieutenant Governor a gavel on behalf of the Senate and Assistant Sergeant-at-Arms J. C. Adrain.

The Chair briefly addressed the Senate in appreciation of the gift.

Senator DeBerry presented a similar gavel to Senator Williamson on behalf of Mr. Adrain.

Senator Williamson briefly addressed the Senate in appreciation of the gift.

#### Simple Resolution No. 13.

Senator Woodul sent up the following resolution:

Whereas, The Agricultural and Mechanical College of Texas has presented to the Legislature two service flags, one for the Senate and one for the House, and

Whereas, These flags should be preserved for all time to come, therefore, be it

Resolved, That the Committee hereto appointed by the President of the Senate to receive and take charge of the flag presented to the Senate be authorized to secure a suitable case in which to display said service flag, and that the cost thereof be paid out of the contingent fund of the Senate, and be it further

Resolved, That when such case is secured said flag be appropriately placed within the hall of the Senate.

Woodul, DeBerry, Thomason, Hyer and McFarlane.

The resolution was read and adopted.

#### Senate Bill No. 17.

The Chair laid before the Senate as special order the following bill:

By Senator Wirtz and others:

S. B. No. 17, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stocks, bonds and securities in this State, etc., and declaring an emergency."

Senator Gainer sent up the following amendments:

Amend Senate Bill No. 17, by inserting a new section to be known as Section 32a, which shall read as follows:

"Section 32a. Nothing in this Act contained shall be held to apply to the formation, organization and incorporation of a domestic corporation by original owners or lessees of land to prospect for oil, gas, sulphur and other minerals, among original incorporators, but this Act shall only apply to sales of stock after organization and incorporation."

GAINER.

The amendment was read and adopted.

Amend the caption of Senate Bill No. 17 by adding after the semicolon in last line, the following: "and prescribing exemptions."

GAINER.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment:

Amend S. B. No. 17, page 20, line 24 by striking out the remainder of said sentence after the word

"State" in line 24 down to the word "then" in line 31, and by inserting in lieu thereof the following: "May file complaint in the county in which the defendant resides or in which the fraud is alleged to have been perpetrated and said cause shall be tried as other criminal cases and should the decision be favorable to the defendant," and by striking out the words, "the Secretary of State," page 21, line 4, and insert in lieu thereof the words "said court."

McFARLANE.

The amendment was read.

Senator Wirtz moved to table the amendment.

#### Recess.

On motion of Senator Moore, the Senate, at 12:10 o'clock p. m., recessed until 2:00 o'clock p. m.

#### After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### Point of No Quorum.

The point of order that no quorum was present was raised. The roll call showed the following present.

Beck.	Love.
Berkeley.	McFarlane.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Pollard.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Witt.
Hornsby.	Woodul.
Hyer.	

#### Absent.

Miller.	Stevenson.
Neal.	Westbrook.
Patton.	Wirtz.
Russek.	Woodward.
Small.	

#### Absent—Excused.

Martin.

#### Senate Bill No. 17.

The question recurred upon the amendment to S. B. No. 17.

Senator Woodul moved the previous question on the amendment

and the engrossment of the bill. The motion was lost by the following vote:

## Yeas—10.

Beck.	Thomason.
Cousins.	Williamson.
Hornsby.	Wirtz.
Parr.	Witt.
Russek.	Woodul.

## Nays—15.

Berkeley.	McFarlane.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Pollard.
Hardin.	Small.
Holbrook.	Woodward.
Love.	

## Absent.

Hyer.	Stevenson.
Miller.	Westbrook.
Patton.	

## Absent—Excused.

Martin.

The motion to table the amendment prevailed by the following vote:

## Yeas—16.

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Russek.
DeBerry.	Williamson.
Hardin.	Wirtz.
Holbrook.	Witt.
Hornsby.	Woodul.
Love.	Woodward.

## Nays—9.

Cunningham.	Moore.
Gainer.	Parrish.
Greer.	Pollard.
Hyer.	Small.
McFarlane.	

## Absent.

Miller.	Thomason.
Patton.	Westbrook.
Stevenson.	

## Absent—Excused.

Martin.

Senator Love sent up the following amendment:

Amend S. B. No. 17, by adding at the end of paragraph "P" of Section 3, on page 8, the following:

"or the issuance of any policy, contracts or securities by any Insurance Company subject to the supervision of the Board of Insurance Commissioners."

LOVE.

The amendment was read and adopted.

Senator Small sent up the following amendment:

Amend S. B. No. 17 pages 23 and 24 as follows:

Strike out in lines 5 and 26 on page 23 and in lines 6, 9, 24, and 28 on page 24 the word "Travis" and add after the following word "County" the following "in which the Company is domiciled."

SMALL.

The amendment was read.

Senator Wirtz sent up the following amendment to the amendment:

Amend the amendment by striking out the words "is domiciled" and insert "has committed the acts complained of."

WIRTZ.

The amendment to the amendment was read.

## House Bill Referred.

H. B. No. 102 referred to Committee on Civil Jurisprudence.

## Senate Concurrent Resolution No. 11

Senator Holbrook sent up the following resolution:

Whereas, The public press of the country carries the interesting information under a Washington date line that the wife of Oscar De Priest, negro representative from Illinois, was entertained at the White House by Mrs. Herbert Hoover, wife of the President of the United States, which was attended by many prominent celebrities of the Washington social life, including Mrs. James Good, wife of the Secretary of War, Mrs. William D. Mitchell, wife of the Attorney General, Mrs. Arthur M. Free, wife of the California Congressman, Mrs. Clyde Kelly, wife of the Pennsylvania Congressman, and Miss Grace Burton, niece of the Ohio Senator, and,

Whereas, This brilliant social affair should be of interest to the many admiring friends and supporters in Texas of President Hoover, whose brief administration of the affairs of our national government has

doubtless aroused the highest admiration of his thousands of partial friends in this State, and,

Whereas, This brilliant social event marks another epochal point in the progressive march of republican prosperity and is exceeded in importance only by his much promised farm relief now meeting with such universal approbation by his followers throughout the Country including those residing within this State, and,

Whereas, It is reported by the press that the said Oscar De Priest was immensely gratified at the social recognition accorded to his wife, saying "My wife enjoyed the experience and the social contacts very much. She was treated excellently, and there was no indication of a desire to discrimination in her case. Naturally, she is very much pleased with the whole affair," now therefore, be it

Resolved by the Senate, the House of Representatives concurring, that we extend our heartiest congratulations to the friends and supporters of the President of the United States residing within the State of Texas, commonly known as "Hoovercrats," upon the elaborate and brilliant entertainment so graciously extended by the mistress of the White House, as herein above set out, which apparently has eclipsed in its brilliancy all others of the seasons social events of official Washington.

HOLBROOK.

The resolution was read.

Senator Hyer moved to refer the resolution to the Committee on Federal Relations.

Senator Holbrook moved to table the motion. The motion to table prevailed.

Senator Neal sent up the following substitute:

#### S. C. R. No. 11.

Whereas, The public press of the country carries the astounding information under a Washington date line that the wife of Oscar De Priest, negro representative from Illinois, was entertained at the White House by Mrs. Hoover, wife of the President of the United States, which was attended by many prominent celebrities of the Washington social and official life, including Mrs.

James Good, wife of the Secretary of War, Mrs. William D. Mitchell, wife of the Attorney General, Mrs. Arthur M. Free, wife of the California Congressman, Mrs. Clyde Kelly, wife of the Pennsylvania Congressman, and Miss Grace Burton, niece of the Ohio Senator; and,

Whereas, It is reported by the press that the said Oscar De Priest was immensely gratified at the social recognition accorded to his wife, saying "My wife enjoyed the experience and the social contacts very much. She was treated excellently, and there was no indication of a desire to discriminate in her case. Naturally, she is very much pleased with the whole affair;" and

Whereas, such social recognition if a fact of a member of the negro race accorded by women whose official and social positions are unsurpassed by any in the world; and

Whereas, Same is fraught with the gravest consequences conceivable to the amicable and friendly relationship of two races destined to live and develop in this great nation of ours, and is calculated to greatly disturb same and widen the breach between them; and

Whereas, The people of the South, and particularly those of Texas, have never in the past and will never in the future, condone any act or conduct that would tend in the least to sanction social racial equality as between the white and negro races and particularly acts and conduct on the part of persons in high official position, which by reason of such position will carry a semblance of national and governmental sanction: and

Whereas, The only way that this beloved Southland of ours can expect to maintain its dignity and Anglo-Saxon supremacy, is to stand as a whole for the eternal principles of Democracy and Anglo-Saxon superiority.

Therefore, Be it resolved by the Senate of Texas, the House of Representatives concurring, that we bow our heads in shame and regret and express in the strongest and most emphatic terms at our command, our condemnation and humiliation at said conduct if true on the part of the Mistress of the White House and her associates.

Neal, Witt, Russek, DeBerry, Beck and Pollard.

The substitute was read.

Senator Love sent up the following amendment to the substitute:

Amend the substitute by striking out all after the word "resolved" and inserting the following: "that we deplore this reported incident beyond all measure, and condemn such a recognition of social equality between the white and black races as a step fraught with infinite danger to our white civilization, and to the real welfare of the negro race as well."

LOVE.

Read and lost.

Senator Woodward sent up the following amendment to the substitute:

Amend the substitute by adding after the fifth paragraph the following:

"An whereas those who fought for the success of the Democratic ticket at the recent Presidential Election, warned the voters in Texas of the likelihood of such conduct in the White House in the event of the election of Mr. Hoover."

WOODWARD.

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend the substitute resolution by adding a new paragraph to read as follows:

Be it further resolved that we call to the attention of the voters of the South that such incidents are the natural outgrowth of the action of many pretended Democrats of the South in being led away from the faith of their fathers by appeals to religious prejudice and that they be warned that a continuance of such alliance with the party which since Civil War days has been the traditional enemy of the South will likely bring further shame and humiliation to Southern men and women.

WIRTZ.

The amendment was read.

Senator Pollard sent up the following amendment to the amendment:

Amend the amendment by striking out the words "by appeals to religious prejudices."

McFarlane, Pollard, DeBerry and Witt.

The amendment to the amend-

ment was read and adopted by the following vote:

Yeas—20

Berkeley.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Small.
Greer.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Nays—9.

Beck.	Parr.
Gainer.	Russek.
Hardin.	Stevenson
Holbrook.	Wirtz.
Hornsby.	

Absent.

Patton.

Absent—Excused.

Martin.

The amendment as amended was adopted.

Senator Westbrook moved the previous question on the substitute resolution. The motion prevailed.

Senator Wirtz moved to reconsider the vote by which the previous question was ordered. The motion prevailed.

The previous question was lost.

The substitute as amended was adopted by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley	Parrish.
Cousins.	Pollard.
Cunningham.	Russek.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Nays—2.

Hyer.	Love.
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Absent.

Patton.

Absent—Excused.

Martin.

The resolution as substituted was adopted by the following vote:

Yeas—27.

Beck.	Parr.
Berkeley.	Parrish.
Cousins.	Pollard.
Cunningham.	Russak.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hornsby.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.
Neal.	

Nays—2.

Hyer. Love.

Absent.

Patton.

Absent—Excused.

Martin.

#### Reason for Vote on Resolution.

I voted yea for the reason that I certainly condemn the action of the wife of the President but I am unqualifiedly opposed to both amendments to the resolution.

PARRISH.

#### Explanation of Senator Hyer's Vote on S. C. R. No. 11.

I voted "nay" on this resolution. Although I severely condemn and censure the action of Mrs. Hoover in the social recognition of the wife of the negro Congressman from Illinois, yet I will not join with those members of the Senate who bitterly seek to reflect upon the hundreds of thousands of Texas Democrats who voted for Herbert Hoover for President.

HYER.

Recess.

Senator Woodward moved to adjourn until 10:00 o'clock tomorrow morning.

Senator Witt moved to recess until 10:00 o'clock tomorrow morning. The motion prevailed and at 5:25 o'clock p. m. the Senate recessed.

## APPENDIX.

### Petitions and Memorials.

Northampton, Mass.,

June 11, 1929.

The Senate and House of Representatives, Austin, Texas.

It was most pleasant to receive a copy of your joint resolution inviting me to visit Texas.

I would certainly like to come there very much because of my respect for the State and affection and admiration for its people. At present, however, I am not able to make any plans about taking so long a trip.

Trusting that I may some time have the pleasure of visiting you, I am

Respectfully yours,  
CALVIN COOLIDGE.

### Committee on Engrossed Bills.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 47 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 31 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 64 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,

Austin Texas, June 13, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 52 carefully examined and compared



and find the same correctly engrossed.

PARR, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 75 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 77 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 78 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 79 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 98 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 105 carefully examined and compared

and find the same correctly engrossed.

PARR, Chairman.

#### Committee Reports.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 43, A bill to be entitled "An Act to amend Article 6221 of Title 109 of the Revised Civil Statutes of 1925, and amended by Chapter 153 of the General Laws of the Regular Session of the Forty-first Legislature, repealing Article 6222a of said Chapter and all other laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 143, A bill to be entitled "An Act fixing the salary of the Court Reporter in each judicial district in this State containing five counties having a combined population according to the latest United States census of not less than 68,590, and not more than 69,590; and prescribing the manner of the payment of same and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 144, A bill to be entitled "An Act regulating the fishing and the taking of fish and shrimp in certain coastal waters; enacting prohibitions and penalties in connection therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 145, A bill to be entitled "An Act amending Article 879g of the Penal Code of 1925, relating to open season for hunting, taking and killing wild bear and wild buck deer; fixing the open season for wild buck deer in certain counties and limiting the number and kind of buck deer that may be taken or killed in said counties; enacting provisions in reference to penalties for violating said Article 879g or the provisions of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 133, A bill to be entitled "An Act fixing the compensation of district attorneys in each judicial district in this State containing five or more counties having a combined population, according to the Fourteenth Census of the United States, of the year 1920, of not less than 98,740, nor in excess of 98,750; providing how the same shall be paid; providing for an assistant district attorney in each such district; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 137, A bill to be entitled "An Act fixing the salary of the official court reporter in every judicial district of this State composed of two counties having a combined population of not less than 60,300 and not more than 60,400 according to the latest United States Census; providing for the payment of said salary, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 138, A bill to be entitled "An Act amendatory of an act passed at the First Called Session of the Forty-first Legislature designated as S. B. No. 62, and filed in the office of the Secretary of State on the 7th day of June, A. D. 1929, authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories; to purchase, sell, lease or encumber lands and other appurtenances for dormitories; to make contracts for the collection and disposition of the revenue derived from such dormitories; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, June 14, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 112 A bill to be entitled "An Act making an appropriation for the benefit of Slocum Consolidated School District No. 5 of Anderson County on account of the recent destruction of the school buildings and property in the territory now composing said district; direct-

ing the expenditure of said money; and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and be not printed inasmuch as it is identical with S. B. No. 79 by Greer.

POLLARD, Chairman.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 146, A bill to be entitled "An Act fixing the salary of the court reporter in each judicial district in this State containing four or more counties having a combined population according to the latest United States census of not less than 96,800 and not more than 97,200; and prescribing the manner of the payment of same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room,  
Austin, Texas, June 12, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 34, A bill to be entitled "An Act amending Section 3, of an Act passed by the First Called Session of the 41st Legislature, known as H. B. No. 180, approved by the Governor on the 17th day of May A. D., 1929, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

POLLARD, Chairman.

By Berkeley. S. B. No. 34.

#### A BILL

#### To Be Entitled

An Act amending Section 3, of an Act passed by the First Called Session of the 41st Legislature, known as H. B. No. 180, approved by the Governor on the 17th day of May A. D., 1929, and declaring an emergency.

Section 1. That Section 3 of an Act passed by the First Called Session of the Forty-first Legislature known as H. B. No. 180, approved by the Governor on the 17th day of May A. D. 1929, shall be and the same is hereby amended so that the same shall hereafter read as follows:

"Sec. 3. The funds hereby authorized to be appropriated shall be apportioned each year between the two divisions of predatory animal control and rodent control as follows: \$85,000.00 for predatory animal control and \$15,000.00 for rodent control. The funds shall be expended in amounts as authorized by the Chairman of the Livestock Sanitary Commission of Texas and disbursed by warrants issued by the State Comptroller upon vouchers or pay rolls certified by the Chairman of the Livestock Sanitary Commission of Texas for the predatory animal control division of the work, and in amounts as authorized by the president of the Agricultural and Mechanical College of Texas, and disbursed by warrants issued by the State Comptroller upon vouchers or pay rolls certified by the director of rodent control for the rodent control division of the work. The work of destroying predatory animals and rodent pests is to be carried on under the direction of the Bureau of Biological Survey of the United States Department of Agriculture."

Sec. 2. The fact that the percentage basis upon which funds are divided in said Section 3 might work an injustice to either of the two branches, predatory animal control or rodent control and for that reason should be changed as contemplated in this Act should take effect as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and this Act take effect and be in force from and after its passage and said Rule is hereby suspended and it is so enacted.

Committee Room,  
Austin, Texas, June 14, 1929.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 53, A bill to be entitled "An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-electric power purposes, shall hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies) irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power) any law to the contrary notwithstanding; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

STEVENSON, Chairman.

#### A BILL

##### To Be Entitled

An Act amending Article 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-electric power purposes, shall hereafter be subordinate to and shall remain subordinate to the rights of the State to grant allotments and appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power), any law to the contrary notwithstanding; and amending Article 7472 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto the following, to-wit: "Provided, however, that all public waters hereafter appropriated or allotted for hydro-electric

power purposes, shall be subordinate to and remain subordinate to the rights of the State to appropriate and allot such waters for municipal and domestic purposes (to include animal life comprising food supplies) irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power); and providing for the allotment of a sufficient amount of the waters defined in said Articles for the economical operation of machinery used by industries in the manufacturing and processing of raw materials into finished products and for the economical operation of the machinery used in generating electricity other than hydro-electric power, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 7471 of the Revised Civil Statutes of the State of Texas of 1925, is hereby amended and as amended shall hereafter read as follows:

Article 7471. In the conservation and utilization of waters declared the property of the State, the public welfare demands not only the recognition of uses beneficial to the public well-being, but requires as a constructive public policy, a declaration of priorities in the allotment and appropriation thereof; and it is hereby declared to be the public policy of the State and essential to the public welfare and for the benefit of the people that in the allotment and appropriation of the waters defined in Article 7467 of the Revised Civil Statutes of Texas of 1925, all rights conferred by, through or in the appropriation of such waters for hydro-electric power purposes, shall hereafter be subordinate to and remain subordinate to the rights of the State to grant allotments and appropriations for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); irrigation purposes and manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power) any law to the contrary notwithstanding.

Sec. 2. Article 7472 of the Revised Civil Statutes of the State of Texas of 1925 is hereby amended so as to hereafter read as follows:

Article 7472. As between appropriators, the first in time is the first in right, provided, however, that all public waters such as are defined in Article 7467 of the Revised Civil Statutes of Texas of 1925, hereafter appropriated for hydroelectric power purposes, shall be subordinate to the rights of the State to allot and grant appropriations thereof for the use of such waters for municipal and domestic purposes (to include animal life comprising food supplies); for irrigation purposes and for manufacturing and processing purposes (to include mining and similar uses other than the development of hydro-electric power) any law to the contrary notwithstanding.

Sec. 3. If and when, in the manufacturing and processing of raw material into finished products, representing the needs of the people for food or materials necessary to the commercial and industrial welfare of the people, the use of the waters defined in Article 7467 of the Revised Civil Statutes of Texas of 1925, becomes necessary, a sufficient amount thereof may be allotted to enable the economical operation of the machinery necessary in the manufacturing and processing of such raw material; likewise and to the same extent and under the same limitation, a sufficient amount of the public waters as defined in said Article may be allotted to enable the economical operation of the machinery of industries generating electricity other than by hydro-electric power.

Sec. 4. If any provisions or part of any provisions of this Act shall be held in controvention of the Constitution such ineffective provision or part thereof shall not be held to affect other parts of such provisions.

Sec. 5. The conservation, control, storing, preservation and distribution of the ordinary flow, underflow, storm and flood waters of the rivers and streams in Texas for State, municipal, domestic, irrigation, and manufacturing and processing purposes, is recognized as a public right and a public duty, essential to the development of the State, the several municipalities and

all sections of Texas; and, whereas, the waters of the ordinary flow, underflow, storm and flood waters of every river of natural stream, canyon, ravine or watershed within the State of Texas, are declared by law and recognized by the people as the property of the State and are held by the state in trust for the public welfare, to be allotted and appropriated in such manner as will benefit the greatest number of people and result in the greatest benefit to all the people of this State; and, whereas, it is the public policy of the state and for the benefit of the greatest number of people that in the appropriation of the waters as herein defined, the appropriation of water for hydro-electric power purposes shall be and remain subordinate to the rights of the state to appropriate the same for municipal, domestic, irrigation and manufacturing and processing purposes; and, whereas, the importance of protecting the rights of the people in the appropriation of the waters as defined herein and for the purposes as herein defined, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

#### TENTH DAY.

(Continued)

Senate Chamber.

Austin, Texas.

Saturday, June 15, 1929.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### Reason for Vote.

On S. C. R. No. 11 which I helped to prepare I voted yea on final passage. The amendment as offered by Senator Wirtz was adopted by a viva voce vote. I would have much preferred to have voted for the resolution without this amendment; but after it was adopted I voted for the resolution because it was my only opportunity to go on record as

condemning the action of Mrs. Hoover and her associates.

DeBERRY.

#### Message from the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives  
Austin, Texas, June 15, 1929.  
Hon. Barry Miller, President of the Senate:

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference Committee on S. B. No. 5. The following members are appointed on the part of the House:

Wallace, Gilbert, Graves of Williamson, Cox of Navarro, Kayton.

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

#### Bills and Resolutions.

By Senator Pollard:

S. B. No. 150, A bill to be entitled "An Act to provide for the collection of delinquent taxes in independent school districts where the local ad valorem tax is assessed and collected locally by or under the direction of the trustees of such district, and to repeal all laws and parts of laws in conflict herewith."

The bill was referred to Committee on Educational Affairs.

By Woodul and Moore:

S. B. No. 151, A bill to be entitled "An Act providing better provisions for the State contracts for printing the laws and resolutions of the Legislature; and declaring an emergency."

The bill was referred to Committee on Public Printing.

#### Remarks of Senator Berkeley Concerning His Vote on S. C. R. No. 11.

While I am in accord on the proposition of registering our disapproval of any attempt at social equality between the white and negro race and greatly deplore the incident reported in said resolution, yet I am unwilling to go on record as favoring the incorporation in said resolution of any subject matter other than a rebuke directed wholly

to the incident. I am, therefore, opposed to the two amendments adopted and made a part of said resolution but found myself in the unhappy situation on final passage of either voting for the resolution as amended or failing to register a protest against the Washington incident. I, therefore, voted yea.

BERKELEY.

#### Senate Bill No. 17.

The Chair laid before the Senate as pending business the following bill:

By Senator Wirtz and others:

S. B. No. 17, A bill to be entitled "An Act making better provision for the regulation of the sale and dealings in stock, bonds and securities in this State, etc., and declaring an emergency."

On motion of Senator Woodul, the bill was made special order Tuesday morning after the morning call.

#### Special Order Set.

On motion of Senator Pollard, H. B. No. 1 was set as second special order after the morning call Tuesday morning.

#### Bills Laid on the Table Subject to Call.

Owing to the absence of the authors, S. B. No. 52, 10, 12, 13, 36, and 46 were laid on the table subject to call.

#### Senate Bill No. 141.

The Chair laid before the Senate on its second reading the following bill:

By Senator McFarlane:

S. B. No. 141, A bill to be entitled "An Act fixing an open season or period of time for hunting, taking or killing wild mourning doves in Archer, Baylor, Clay, Knox, Wichita, or Young Counties, and making it unlawful to hunt, take, or kill same at any other time of the year, etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by two-thirds vote.

The Committee report was adopted.

Read second time and passed to engrossment.

**Senate Bill No. 143.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 143, A bill to be entitled "An Act fixing the salary of the Court Reporter in each Judicial District in this State, containing five counties having a combined population according to the latest United States census of not less than 68,690 and not more than 69,590; and prescribing the manner of the payment of same and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

Read second time and passed to engrossment.

**Senate Bill No. 146.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Pollard:

S. B. No. 146, A bill to be entitled "An Act fixing the salary of the Court Reporter in each judicial district in this State containing four or more counties having a combined population according to the latest U. S. Census of not less than 96,800 and not more than 97,200; etc., and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

The bill was read second time.

Senator Pollard sent up the following amendment:

**Amendment No. 1.**

Amend S. B. No. 146, by striking out the words "Four or more counties" and insert in lieu thereof the words "Three counties" wherever it occurs in the bill.

POLLARD.

Read and adopted.

The bill as amended passed to engrossment.

**Senate Bill No. 144.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Parr:

S. B. No. 144, A bill to be entitled "An Act regulating fishing and the taking of fish and shrimp in certain coastal waters; enacting prohibitions and penalties in connection therewith; and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The Committee report was adopted.

The bill was read second time and passed to engrossment.

**Senate Bill No. 48.**

The Chair laid before the Senate on its second reading the following bill:

S. B. No. 48, A bill to be entitled "An Act amendatory of Articles 2774, 2777, 2808, and 2922e, R. S. 1925, providing for the appointment or election and term of office of school trustees in all independent consolidated and rural school districts; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

**Senate Bill No. 50.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 50, A bill to be entitled "An Act to amend Article 2892, R. S. 1925, fixing the age and extending the term for compulsory attendance; etc., and declaring an emergency."

The bill was read second time.

Senator Parrish sent up the following amendment:

Amend S. B. No. 50, by adding to the end of Section 1 the following:

Provided, however, that the County Superintendent may excuse said pupil from attending this additional 20 days upon good and sufficient excuse being presented.

PARRISH.

Read and adopted by the following vote:

Yeas—13.

Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Stevenson.
Holbrook.	Westbrook.
McFarlane.	Woodul.
Moore.	Woodward.
Parr.	

## Nays—8.

Beck.	Love.
Berkeley.	Neal.
Greer.	Small.
Hornsby.	Witt.

## Absent.

Cousins.	Russek.
Hardin.	Thomason.
Hyer.	Williamson.
Miller.	Wirtz.
Patton.	

## Absent—Excused.

Martin.

The bill as amended passed to engrossment.

On motion of Senator Neal the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 50 was put on its third reading and final passage, by the following vote:

## Yeas—21.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
DeBerry.	Pollard.
Gainer.	Small.
Greer.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Witt.
McFarlane.	Woodul.
Moore.	Woodward.

## Absent.

Martin.

## Absent—Excused.

Cousins.	Patton.
Hardin.	Russek.
Hyer.	Williamson.
Miller.	Wirtz.

The bill was read third time and finally passed.

## Mr. Wade Speaks.

The Chair introduced Mr. Homer D. Wade, manager of the West Texas Chamber of Commerce, who explained the details of the tour to Mason tomorrow and Monday.

The Chair introduced Senator Woodward who supplemented the statement by Mr. Wade.

## Free Conference Report.

Senator Pollard sent up the following Free Conference Committee Report:

Committee Room,  
Austin, Texas, June 13, 1929.  
Hon. Barry Miller, President of the Senate, and  
Hon. W. S. Barron, Speaker of the House of Representatives:

Sirs: We, your Conference Committee appointed by your respective bodies to consider H. B. No. 5, have had said bill under consideration and beg leave to report that we have reached the following agreement:

The House Bill provided for increases in the salaries of the clerks, deputy clerks and stenographers of all the Courts of Civil Appeals; this amendment being placed in the bill from the floor of the House on the ground that this Legislature had passed a law authorizing such increase. An investigation disclosed the fact that such increases were to be paid from fees and not out of the General Fund; hence, the House Committee receded from this amendment.

The House accepted the provisions of the Senate Bill providing for the necessary budget for the Supreme Court, effective only and after the Constitutional Amendment to be voted on July 16, 1929, is adopted and becomes effective.

The other changes are small in amount and will more fully appear by reference to the Conference Committee report attached hereto and made a part hereof.

Respectfully submitted,

On the part of the Senate:

POLLARD,  
PATTON,  
MILLER,  
CUNNINGHAM,  
COUSINS.

On the part of the House:

WALLACE,  
GRAVES, of Erath,  
FINN.



## A BILL

## To Be Entitled

An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the salaries of judges, and for the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1929, and ending August 31, 1931.

Court of Civil Appeals—First District.  
Galveston.

	For the Years Ending	
	August 31, 1930	August 31, 1931
Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	800.00	800.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent expenses .....	600.00	600.00
Fuel and lights .....	350.00	350.00
Furniture and typewriters .....	200.00	100.00
Totals .....	\$ 29,670.00	\$ 29,570.00

Court of Civil Appeals—Second District  
Fort Worth

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	800.00	800.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent expenses .....	650.00	650.00
Repairs and furniture .....	50.00	50.00
Totals .....	\$ 29,220.00	\$ 29,220.00

Court of Civil Appeals—Third District  
Austin

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent expenses .....	800.00	800.00

	For the Years Ending	
	August 31, 1930	August 31, 1931
Law books for Library .....	400.00	400.00
Filing Cases and typewriters .....	400.00	
Totals .....	\$ 29,320.00	\$ 28,920.00

Court of Civil Appeals—Fourth District  
San Antonio

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent expenses .....	750.00	750.00
Books for Library .....	500.00	500.00
Typewriter, furniture and fixtures .....	250.00	100.00
Totals .....	\$ 29,220.00	\$ 29,070.00

Court of Civil Appeals—Fifth District  
Dallas

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	500.00	500.00
Record books and stationery .....	650.00	650.00
Contingent expense .....	100.00	100.00
Totals .....	\$ 28,970.00	\$ 28,970.00

Court of Civil Appeals—Sixth District  
Texarkana

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent expenses .....	600.00	600.00
Light and fuel .....	300.00	300.00
Books for Library and subscription .....	500.00	500.00
Typewriter .....	100.00	
Totals .....	\$ 29,220.00	\$ 29,120.00

Court of Civil Appeals—Seventh District  
Amarillo

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00

	For the Years Ending	
	August 31, 1930	August 31, 1931
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	500.00	500.00
Typewriter .....	100.00	
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent expenses .....	600.00	600.00
Totals .....	\$ 28,920.00	\$ 28,820.00

Court of Civil Appeals—Eighth District  
El Paso

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	500.00	500.00
Typewriters .....		100.00
Furniture .....		150.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses .....	600.00	600.00
Totals .....	\$ 28,820.00	\$ 29,070.00

Court of Civil Appeals—Ninth District  
Beaumont

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	500.00	500.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, laundry and contingent expenses .....	600.00	600.00
Furniture and typewriter .....		100.00
Totals .....	\$ 28,820.00	\$ 28,920.00

Court of Civil Appeals—Tenth District  
Waco

Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Books for Library .....	750.00	750.00
Filing cases and furniture .....	200.00	200.00
Typewriters .....		100.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, and contingent expenses .....	600.00	600.00
Totals .....	\$ 29,270.00	\$ 29,370.00

Court of Civil Appeals—Eleventh District  
Eastland

	For the Years Ending	
	August 31, 1930	August 31, 1931
Salaries of:		
Three Judges .....	\$ 21,000.00	\$ 21,000.00
Clerk .....	3,000.00	3,000.00
Deputy Clerk .....	1,500.00	1,500.00
Stenographer .....	1,500.00	1,500.00
Porter .....	720.00	720.00
Record books, stationery, ice, telephone, telegraph, express, postage, box rent, and contingent expenses .....	800.00	800.00
Typewriters .....		100.00
Fuel and lights .....	300.00	300.00
Furniture and fixtures .....	500.00	500.00
Library and upkeep .....	600.00	600.00
Totals .....	\$ 29,920.00	\$ 30,020.00

Supreme Court

Salaries of:		
Three Judges .....	\$ 24,000.00	\$ 24,000.00
Clerk .....	2,500.00	2,500.00
Reporter .....	3,000.00	3,000.00
Law Clerks and stenographers .....	5,400.00	5,400.00
Marshal and Assistant Librarian .....	1,500.00	1,500.00
Porter for Judges' room .....	720.00	720.00
Porter for Court room, Clerks' office and Library .....	720.00	720.00
Furniture, record books, stationery, type- writers, postage and express .....	2,000.00	2,000.00
Bookcases for Library .....	750.00	
Purchase of books and rebinding .....	3,000.00	3,000.00
Floor covering for Library and lighting system .....	1,200.00	
Deputy Clerk, acting Secretary to Board Legal Examiners, shall receive \$1,000.00 per annum; payable out of the fees of Clerk's office.		
During the next two years the Supreme Court is empowered to authorize the Clerk to appoint a stenographer for the Clerk's office, at a salary to be fixed by the Court, not to exceed \$150.00 per month, to be paid out of the fees of the Clerk's office.		
Totals .....	\$ 44,790.00	\$ 42,840.00

Supreme Court—Commission of Appeals  
Sections A and B

Salaries of:		
Six Judges .....	\$ 42,000.00	\$ 42,000.00
Stenographers, four .....	6,000.00	6,000.00
Porter .....	720.00	720.00
Record books, rental and purchase of law books, stationery, furniture, telephone, typewriters, postage, and contingent ex- penses .....	1,000.00	1,000.00
Totals .....	\$ 49,720.00	\$ 49,720.00

In the event of the adoption of the amendment to Section 2 and 3 of Article V of the Constitution of the State of Texas, by vote of the qualified electors at the election ordered to be held on the 16th day of July, 1929, the sums above appropriated for the "Commission of Appeals, Section A and B" shall not be applied or paid as above directed, but said sums shall instead be applied to the payment of the following items, to-wit:

	For the Years Ending	
	August 31, 1930	August 31, 1931
Salaries of six additional judges.....\$	48,000.00	\$ 48,000.00
Porter .....	720.00	720.00
Rental and purchase of law books, stationery, furniture, telephones, typewriters and postage for additional judges.....	2,000.00	2,000.00
Totals.....\$	50,720.00	\$ 50,720.00

In the event of the adoption of said amendment, the following additional sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to meet expenses of the Supreme Court, which will be due to its increased membership, to-wit:

	For the Years Ending	
	August 31, 1930	August 31, 1931
Six stenographers for six additional judges \$	9,000.00	\$ 9,000.00
One stenographer for clerk's office .....	1,500.00	1,500.00
Remodeling offices for the six additional judges and remodeling and refurnishing Supreme Court Chamber and contingent expenses .....	6,000.00	
Totals.....\$	16,500.00	\$ 10,500.00

In the event of the adoption of said amendment, the clerk of the Supreme Court for performing all duties of clerk of said Court with its increased membership shall be allowed, in addition to the \$2500.00 hereinbefore appropriated, the sum of Fifteen Hundred Dollars per annum, to be paid out of the fees of his office, in lieu of the \$1500.00 heretofore allowed him as clerk of the Commission of Appeals under Article 1795 of the Revised Civil Statutes of Texas.

#### Court of Criminal Appeals, Austin

	For the Years Ending	
	August 31, 1930	August 31, 1931
Salaries of:		
Three judges.....\$	24,000.00	\$ 24,000.00
Clerk .....	4,000.00	4,000.00
Balliff and secretary .....	2,400.00	2,400.00
Two secretaries .....	4,800.00	4,800.00
Court reporter .....	4,000.00	4,000.00
Porter .....	720.00	720.00
Postage and box rent.....	250.00	250.00
Law books .....	500.00	500.00
Record books and stationery .....	800.00	800.00
Contingent expense .....	200.00	200.00
Furniture, file cases and pictures of deceased judges .....	300.00	300.00
Telephones .....	240.00	240.00
Filing envelopes .....		500.00
Typewriters .....		200.00
Totals.....\$	42,210.00	\$ 42,910.00

Commission of Appeals  
Court of Criminal Appeals

	For the Years Ending	
	August 31, 1930	August 31, 1931
Salaries of:		
Two Commissioners .....	\$ 14,000.00	\$ 14,000.00
Two stenographers .....	3,600.00	3,600.00
Telephones .....	120.00	120.00
Furniture and contingent .....	150.00	150.00
Totals .....	\$ 17,870.00	\$ 17,870.00

State's Attorney Before Court of  
Criminal Appeals

Salaries of:		
Attorney .....	\$ 3,600.00	\$ 3,600.00
Law clerk and stenographer .....	1,800.00	1,800.00
Law books .....	200.00	100.00
Telephone, postage and contingent .....	185.00	185.00
Furniture and book cases .....	525.00	100.00
Totals .....	\$ 6,310.00	\$ 5,785.00

Judiciary—Comptroller's Department

One hundred and seven District Judges .....	535,000.00	535,000.00
Fifty-three District Attorneys .....	26,500.00	26,500.00
Expenses of Judges and District Attorneys, as allowed by the Thirty-eighth Legisla- ture, payable in quarterly installments .....	53,100.00	53,100.00
Seven Criminal District Attorneys .....	3,500.00	3,500.00
Eight Criminal District Judges .....	40,000.00	40,000.00
Expenses of attached witnesses and witness fees allowed witnesses in felony cases, who reside in counties other than the county in which the cause is being tried .....	325,000.00	325,000.00
Fees of County Attorneys, Justices of Peace, Sheriffs and Constables in exam- ining trials .....	130,000.00	130,000.00
Fees and costs of Sheriffs, attorneys and clerks in felony cases .....	700,000.00	700,000.00
Fees, costs and per diem of fifty-three Dis- trict Attorneys .....	185,500.00	185,500.00
To pay salaries of special judges and ex- penses of district judges for holding court out of their own counties .....	15,000.00	15,000.00
To pay special judges of Supreme Court, Courts of Criminal and Civil Appeals, where disqualification of the regular judge exists, and special judges are ap- pointed .....	5,000.00	5,000.00
To pay fees and costs of officials in cases of escheated estates, including cases on which such costs and fees have already accrued and are owing by the State .....	100.00	100.00
For the payment of transcript in cases where the court is required to and does appoint an attorney to represent the de- fendant in a criminal action, and where the official reporter is required and does furnish the attorney for the defendant (if convicted) with a transcript of his notes, as is provided by law .....	2,500.00	2,500.00

	For the Years Ending August 31, 1930	August 31, 1931
To pay District Attorney and two Assistants, El Paso District .....	12,300.00	12,300.00
To pay District Attorney, Thirtieth Judicial District, as per House Bill No. 98, Acts Regular Session Fortieth Legislature .....	2,500.00	2,500.00
To pay Assistant District Attorney Webb and Lubbock Counties .....	5,000.00	5,000.00
To pay expense of the Advisory Judicial Council created by Act of the 41st Legislature, 1st Called Session, S. B. No. 32, including traveling expense, clerical expense, stamps, stationery, telephone, telegraph, printing reports .....	3,000.00	3,000.00
To pay salary of District Attorney of the Eighth Judicial District as per House Bill No. 708, Regular Session of the 41st Legislature of Texas .....	4,000.00	4,000.00
Totals .....	\$ 2,050,500.00	\$ 2,050,500.00

Provided that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1929, and ending August 31, 1931, and no surplus shall be diverted from one account to another.

Provided that all accounts under this section, which require the approval of any district judge, shall be examined by the Comptroller, and, if correct, he shall issue his warrant therefor, but if he shall find same incorrect, in whole or in part, he may cause an audit of same to be made before warrant is issued.

Provided that the Governor, in case of an extraordinary emergency, may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this Act shall remain in the State Treasury and be paid out only as it is expended, or as the necessity or emergency may require.

Provided, that it shall be the duty of the clerks of the various courts above mentioned, on the first Monday in July, October, January and April of each year, to make a report to the Comptroller, showing the amount of fees collected each quarter, giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys, and all others, for all unofficial and certified copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employees thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employees to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge; and all of said fees and charges when collected, shall be paid into the treasury of the State of Texas. Provided, that each and every employee under this Act shall be paid by voucher, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed, with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the State Government for the two fiscal years beginning September 1, 1929, and ending August 31, 1931, creates a necessity for the expediting of the passage of this appropriation bill, and therefore, creates an emergency and an imperative public neces-

sity which demands that the rule requiring bills to be read on three several days be suspended, and that this bill becomes effective from and after its passage, and it is so enacted.

## Recapitulation.

	For the Years Ending	
	August 31, 1930	August 31, 1931
Court of Civil Appeals, First District, Galveston .....	\$ 29,670.00	\$ 29,570.00
Court of Civil Appeals, Second District, Fort Worth .....	29,220.00	29,220.00
Court of Civil Appeals, Third District, Austin .....	29,320.00	28,920.00
Court of Civil Appeals, Fourth District, San Antonio .....	29,220.00	29,070.00
Court of Civil Appeals, Fifth District, Dallas .....	28,970.00	28,970.00
Court of Civil Appeals, Sixth District, Texarkana .....	29,220.00	29,120.00
Court of Civil Appeals, Seventh District, Amarillo .....	28,920.00	28,820.00
Court of Civil Appeals, Eighth District, El Paso .....	28,820.00	29,070.00
Court of Civil Appeals, Ninth District, Beaumont .....	28,820.00	28,920.00
Court of Civil Appeals, Tenth District, Waco .....	29,270.00	29,370.00
Court of Civil Appeals, Eleventh District, Eastland .....	29,920.00	30,020.00
Supreme Court .....	44,790.00	42,840.00
Commission of Appeals, Sections A and B .....	49,720.00	49,720.00
Court of Criminal Appeals .....	42,210.00	42,910.00
Commission of Appeals, Court of Criminal Appeals .....	17,870.00	17,870.00
State's Attorney before Court of Criminal Appeals .....	6,310.00	5,785.00
Judiciary, Comptroller's Department .....	2,050,500.00	2,050,500.00
Grand Totals .....	\$2,532,770.00	\$2,530,695.00
For Biennium .....		5,060,465.00

Note—(In case Constitutional Amendment to be voted on July 16, 1929, becomes effective, the totals for 1930 will be increased \$17,500.00 and \$11,500.00 for 1931, to take care of the increased membership of the Supreme Court.)

The report was read.

Senator Pollard moved to adopt the report.

Senator McFarlane moved as a substitute that the Senate refuse to accept the report and ask for a new Committee.

Senator Pollard moved to table the motion. The motion to table prevailed by the following vote:

Yeas—19.

Beck.	Love.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parr.
Holbrook.	Parrish.
Hornsby.	Pollard.

Small.  
Stevenson.  
Thomason.  
Westbrook.

Witt.  
Woodul.  
Woodward.

Nays—3.

Gainer.  
Greer.

McFarlane.

Absent.

Cousins.  
Hardin.  
Hyer.  
Miller.

Patton.  
Russek.  
Williamson.  
Wirtz.

Absent—Excused.

Martin.



The motion to adopt the report prevailed.

**Senate Bill No. 51.**

The Chair laid before the Senate on its second reading the following bill:

By Senator Neal:

S. B. No. 51, A bill to be entitled "An Act to amend Article 2781, R. S., 1925, relating to term of contract of superintendents, principals, teachers, or other executive officers in independent school districts; etc., and declaring an emergency."

The bill was read second time.

**Motion to Adjourn.**

Senator Holbrook moved to adjourn until 10:00 o'clock Tuesday morning.

The motion was lost by the following vote:

Yeas—8.

Berkeley.	Moore.
DeBerry.	Parrish.
Gainer.	Small.
Holbrook.	Stevenson.

Nays—13.

Beck.	Parr.
Cunningham.	Pollard.
Greer.	Westbrook.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Neal.	

Absent.

Cousins.	Russek.
Hardin.	Thomason.
Hyer.	Williamson.
Miller.	Wirtz.
Patton.	

Absent—Excused.

Martin.

**S. C. R. No. 12.**

Senator Cunningham sent up the following resolution:

S. C. R. No. 12, Granting permission to Honorable W. R. Chapman, District Judge, to leave the State during the month of August. Be it resolved by the Senate of the

State of Texas, the House of Representatives Concurring:

That W. R. Chapman, Judge of the District Court of the 104th Ju-

dicial District of Texas be and he is hereby granted permission to leave the State and be absent from the State during the month of August 1929.

CUNNINGHAM.

Read and adopted.

**Adjournment.**

Senator Holbrook moved to adjourn until Tuesday morning at 9:55 o'clock. The motion prevailed and at 11:50 o'clock a. m. the Senate adjourned.

**APPENDIX.**

**Committee on Engrossed Bills.**

Committee Room,

Austin, Texas, June 15, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 11 carefully examined and compared and find the same correctly engrossed.

PARR, Chairman.

**Committee Reports.**

Committee Room,

Austin, Texas, June 15, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No 92, A bill to be entitled "An Act to exempt male persons residing in Fayette County, Texas, from road duty."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, June 15, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 113, A bill to be entitled "An Act to amend Section 4, of Chapter 31, of the General and Special Laws of the State of Texas, passed by the 40th Legislature at

its First Called Session, the same being a Special Road Law for Robertson County."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, June 15, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 74, A bill to be entitled "An Act authorizing the State Board of Water Engineers to have made a scientific and sanitary study and investigation and report on the sources, amount and quality of the underground water supply in Texas, and the conservation, maintenance and supplementing of the same, for the scientific protection of the water supply for domestic and municipal uses, irrigation uses, and providing for cooperation of State Department of Health; and appropriating out of the general revenues of Texas \$25,000.00 for each of the two years of this biennium, and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass.

STEVENSON, Chairman.

Committee Room,

Austin, Texas, June 15, 1929.

Hon. Barry Miller, President of the Senate:

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 119, A bill to be entitled "An Act to amend Art. 1265, Chapter 20, Title XXVIII of the Revised Civil Statutes of 1925, and providing methods by which any city having a population of 100,000 and under 150,000, as shown by the preceding Federal census, may extend its boundary limits, etc."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do not pass but that the following committee substitute do pass in lieu thereof, and same be printed in the Journal.

BERKELEY, Chairman.

## A BILL

### To Be Entitled

An Act to amend Article 1265 of the Revised Civil Statutes of Texas of 1925, providing that the provisions thereof shall be in addition to and cumulative of the charter provisions of any city operating under Article 11, Section 5 of the Constitution, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1265 of the Revised Civil Statutes of the State of Texas of 1925 shall be and the same is hereby amended by adding thereto a new section to be known and designated as Section five (5), which section shall read as follows:

"Sec. 5. Providing however that nothing in this Article shall be held or construed to repeal or nullify any Charter provision of any city of over one hundred thousand (100,000) and under one hundred and fifty thousand (150,000) inhabitants, according to the preceding United States census, operating under Article 11, Section 5 of the Constitution providing for the annexation of additional territory by ordinance but shall be construed as an additional power and cumulative of the said charter provisions, and all such charter provisions in effect at the time of the original passage of this Article are hereby ratified and confirmed and declared to be in full force and effect."

Sec. 2. The fact that the decisions of the courts in the construction of this Article 1265 and its operation has caused considerable confusion, turmoil and litigation in regard to the meaning and effect thereof creates an emergency and an imperative public necessity that the Constitutional rule providing that bills be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

By Woodul.

S. B. No. 119.

## A BILL

### To Be Entitled

An Act to amend Article 1265, Chapter 20, Title XXVIII of the Revised Civil Statutes of the State of Texas of 1925, and providing methods by which any city having a population of 100,000

and under 150,000 as shown by the preceding Federal census, may extend its boundary limits and annex additional territory adjacent or contiguous to such city, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1265 of Chapter 20, Title XXVIII of the Revised Civil Statutes of the State of Texas of 1925 be so amended as to hereafter read as follows:

Article 1265. Any city having a population of 100,000 and under 150,000, as shown by the preceding Federal census, shall have the power and authority to extend its boundary limits by annexing additional territory adjacent or contiguous to such city. In cases where the territory sought to be annexed does not include any incorporated city or town having more than 5000 inhabitants according to the preceding Federal census, such extension may be effected in any manner provided in the charter of said City of more than 100,000 and less than 150,000 population or it may be effected in any manner by which any other incorporated city or town in this State is now by general law authorized to extend its boundary limits; and in addition thereto and cumulative of said manners and methods, such extension may be effected in the following manner:

1. The governing body of such city may, upon its own motion, and shall upon the petition of at least ten per cent of the qualified voters of said city as shown by the preceding general election, submit such proposed extension to a vote of the qualified voters of such city, which election shall be held as provided by Chapter 13 of Title XXVIII, Revised Civil Statutes of Texas, 1925.

2. If such proposed extension be adopted by a majority of those voting at such election, and such annexed territory shall include any incorporated city or town of 5000 inhabitants or less, then, from and after the adoption of such extension, the incorporation of such city or town of 5000 inhabitants or less shall be abolished and shall cease to exist, and all record books, public property, public buildings, money on hand, credit accounts and any and all other assets of the annexed incorporated city or town shall be-

come the property of said larger city and shall be turned over to the officers thereof, and by such annexation, the offices existing in the smaller municipality shall be abolished and the persons holding such offices shall not be entitled to further remuneration or compensation; and all legal outstanding liabilities of such smaller city shall be automatically assumed by the enlarged city.

3. Whenever such annexed city or town shall have on hand any bonds or bond funds for public improvements such money shall be kept in a separate special fund and devoted to public improvements in the territory for which such bonds were voted, and shall not be diverted or used for any other purpose. If any such funds be lawfully contracted for or appropriated, they shall be used and expended only in the manner and for the purposes for which contracted or appropriated.

4. Upon such annexation, all claims, fines, debts and taxes due or payable to the annexed city or town shall thereupon become due and payable to said larger city and shall be collected by it. If taxes for the current year shall have been duly assessed prior to said annexation, then the amount so assessed shall remain as the amounts due and payable from the inhabitants of such annexed city or town for such current year.

5. It shall be lawful for any such city of 100,000 and under 150,000 population to extend its boundary limits and annex adjacent and contiguous territory in and by any manner and method provided by its charter or by the general laws of the State for extension of boundary limits of any incorporated city or town or annexation of territory thereto.

6. The population of any city or town, for the purpose of this article, shall be deemed prima facie to be such population as such city or town is shown by the preceding Federal census to have, and when any city of 100,000 and under 150,000 population shall have annexed territory including an incorporated city or town shown by such census to have 5,000 or less population, the governing body of such larger city shall certify to the governing body of such smaller incorporated city or

town that it has extended its boundaries to embrace territory including the territorial limits of said smaller city or town, and the certificate of said fact shall be in writing and delivered to the governing body of said smaller city or town by leaving a copy thereof at the office or offices of the mayor of said smaller city or town during office hours; and at any time within ten days after the giving of such written notice, the smaller city or town may apply to the District Court of the County in which it is situated for an injunction to prohibit the extension of the boundaries of said larger city to incorporate said smaller city, upon the ground and only upon the ground that such smaller city has, in fact, more than 5,000 population; and in the event, as a result of such proceeding, it is finally adjudged that the said smaller city at the time of the annexation election had more than 5,000 population, then and in that event the extension of the boundaries of the said larger city, insofar as they include the territory within the boundaries of the smaller city, shall be void, but shall remain effective as to all other territory if any, covered thereby.

7. No part of portion of this Law shall be or become unconstitutional and invalid by reason of any other part of portion hereof being held by any court to be unconstitutional or invalid.

8. It appearing that it is necessary to provide more workable methods of extending boundary limits for cities having a population of 100,000 and under 150,000, as shown by the preceding Federal census, and because of the fact that such cities are greatly hampered in their growth by reason of the inadequacy of the present laws upon such subject and the fact that such cities in this State are surrounded by territory much of which needs the protection and other benefits incident to being brought within the corporate limits and jurisdiction of such cities, and the crowded condition of the calendar creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and

after its passage, and it is so enacted.

#### ELEVENTH DAY.

Senate Chamber,  
Austin, Texas,

Tuesday, June 18, 1929.

The Senate met at 9:55 o'clock a. m. pursuant to adjournment and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parr.
Cousins.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

#### Petitions and Memorials.

(See Appendix.)

#### Committee Reports.

(See Appendix.)

#### Bills and Resolutions.

By Senator Love:

S. B. No. 152, A bill to be entitled "An Act to provide that Tax Collectors, shall, in counties having 210,000 population or more, according to the census of 1920 and cities, political subdivisions or tax assessing districts within such counties, shall collect taxes in chronological order in which they were assessed; etc., and declared an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Gainer:

S. B. No. 153, A bill to be entitled "An Act providing that when a